

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ERIC GALA and CHESTER R. GALA,

Plaintiffs,

v.

CITY OF FRASER, *et al.*,

Defendants.

Case No. 16-10147

Honorable John Corbett O'Meara

ORDER OF PARTIAL DISMISSAL

Plaintiffs Eric and Chester R. Gala recently filed a five-count complaint in this court alleging violations of 42 U.S.C. § 1983 in Counts I, II and III; abuse of process in Count IV; and negligence in Count V.

Although Counts I, II and III are cognizable in this court pursuant to 28 U.S.C. § 1331, the allegations presented in Counts IV and V are based solely on state law. The parties to this action are not diverse. Therefore, this court declines to exercise supplemental jurisdiction over Plaintiffs' state law claims to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

ORDER

It is hereby **ORDERED** that Counts IV and V are **DISMISSED**.

s/John Corbett O'Meara
United States District Judge

Date: March 18, 2016

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, March 18, 2016, using the ECF system.

s/William Barkholz
Case Manager